

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JULIA POWELL KELLER-MCINTYRE,

No. C-06-3209 MMC (EMC)

Plaintiff,

v.

**ORDER RE PLAINTIFF'S E-MAIL OF  
OCTOBER 17, 2006, AND FUTURE  
DISCOVERY DISPUTES**

COLLEGE OF HEALTH & HUMAN  
SERVICES, SAN FRANCISCO STATE  
UNIVERSITY,

Defendant.

On October 17, 2006, Plaintiff Julia Powell Keller-McIntyre sent an e-mail to the undersigned's Courtroom Deputy. The e-mail was addressed to the Court and asked for relief with respect to the deposition of Richard Dziadur, which was held the day before, and for prospective relief with respect to the deposition of Russell Kilday-Hicks, which was scheduled for the afternoon of October 17.

As a preliminary matter, the Court notes that, although Ms. Keller-McIntyre did not file any papers with the Court asking for relief and instead only sent an e-mail, it shall still consider her requests for relief. The Court has scheduled a conference call to discuss the discovery disputes with the parties.


**For all future discovery disputes, the Court hereby imposes the following procedures.** If a discovery dispute arises and the parties are unable to resolve the dispute after meeting and conferring in good faith, then the party seeking relief from the Court may file a letter brief, not to exceed two single-spaced pages, stating what the dispute is about and what the party's position on

1 the dispute is. If the dispute concerns written discovery (*e.g.*, requests for production of documents,  
2 interrogatories), then the party seeking relief should provide to the Court a copy of the discovery  
3 requests as well as the opposing party's responses to the discovery requests. The opposing party  
4 shall then have three court days to file a responsive letter brief, also not to exceed two single-spaced  
5 pages. Thereafter, the Court shall decide whether further briefing is necessary and/or whether to  
6 conduct a telephonic conference or hold a formal hearing.

7 Ms. Keller-McIntyre is warned that, in the future, if she desires any relief from the Court,  
8 then she must **formally file** a document with the Court asking for relief. **An informal e-mail will**  
9 **not be considered.** If, however, a dispute arises during a deposition and, "if disposition of the  
10 dispute during the discovery event likely would result in *substantial savings* of expense or time,"  
11 Ms. Keller-McIntyre may telephone the Court's Courtroom Deputy "to ask if the Judge is available  
12 to address the problem through a telephone conference during the [deposition]." Civ. L.R. 37-1(b)  
13 (emphasis added). Before contacting the Courtroom Deputy, however, Ms. Keller-McIntyre must  
14 have attempted to resolve the matter without judicial intervention by meeting and conferring in good  
15 faith with the opposing party. *See id.*

16  
17 IT IS SO ORDERED.

18  
19 Dated: October 17, 2006

20  
21   
22 EDWARD M. CHEN  
23 United States Magistrate Judge  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JULIA POWELL KELLER-MCINTYRE,

No. C-06-3209 MMC (EMC)

Plaintiff,

v.

**CERTIFICATE OF SERVICE**

COLLEGE OF HEALTH & HUMAN  
SERVICES, SAN FRANCISCO STATE  
UNIVERSITY,

Defendant.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Julia Powell Keller-McIntyre  
P.O. Box 320662  
San Francisco, CA 94132  
415/314-4204 (cell)  
415/405-3943 (work)

***ALL OTHER COUNSEL/PARTIES TO  
RECEIVE ORDER VIA ELECTRONIC  
FILING***

Dated: October 17, 2006

RICHARD W. WIEKING, CLERK

By:                     /s/                      
Leni Doyle  
Deputy Clerk